

95TH CONGRESS
1ST SESSION

H. R. 9122

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 15, 1977

Mr. KASTENMEIER introduced the following bill; which was referred to the
Committee on the Judiciary

A BILL

To establish fees and allow per diem and mileage expenses for
witnesses before United States courts.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That section 1821 of title 28, United States Code, is
4 amended to read as follows:

5 “§ 1821. Per diem and mileage generally; subsistence

6 “(a) A witness in attendance at any court of the United
7 States, or before a United States magistrate, or before
8 any person authorized to take his deposition pursuant to
9 any rule or order of a court of the United States shall
10 receive the fees and allowances which this section pro-
11 vides, except as otherwise provided by law. The phrase

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1 'any court of the United States' shall include, in addition to
2 the courts of the United States listed in section 451, the
3 district courts for the Canal Zone, Guam, and the Virgin
4 Islands. An alien who has been paroled into the United
5 States for prosecution, pursuant to section 212(d)(5)
6 of the Immigration and Nationality Act (8 U.S.C. 1182
7 (d)(5)), or an alien who either has admitted belonging
8 to a class of aliens who are deportable or has been
9 determined pursuant to section 242(b) of the Act
10 (8 U.S.C. 1252(b)) to be deportable shall be ineligible to
11 receive the fees or allowances which this section provides.

12 " (b) Witnesses shall receive \$30 for each day's attend-
13 ance and for the time necessarily occupied in going to and
14 returning from the place of attendance.

15 " (c) Witnesses shall receive compensation for the actual
16 expenses of travel on the basis of the means of transportation
17 reasonably utilized and the distances actually and necessarily
18 traveled. Witnesses who travel by common carrier shall
19 receive the costs of transportation at the most economical
20 rate available. A receipt or other evidence of actual cost shall
21 be furnished. Witnesses who travel by privately owned vehi-
22 cle (automobile, airplane, or motorcycle) shall receive a
23 travel allowance equal to the mileage allowance which the
24 Administrator of General Services prescribes pursuant to
25 section 5704 of title 5, United States Code, for official travel

1 by employees of the Government. Computation of mileage
2 under this section shall be made on the basis of a uniform
3 table of distances adopted by the Administrator. Witnesses
4 shall also receive reimbursement for incidental travel ex-
5 penses, such as toll roads, bridges, tunnels, and ferries; taxicab
6 fares between places of lodging and carrier terminals; and
7 parking fees, upon presentation of a valid parking receipt.
8 In the district of Alaska, whenever the use of a snowmobile,
9 dogteam, or boat is approved by the court, a magistrate, the
10 United States Attorney, or an Assistant United States At-
11 torney, witnesses shall be paid the actual rental cost or
12 reasonable estimate of necessary expenses.

13 “(d) Witnesses, other than those who are incarcerated,
14 who attend at points so far removed from their respective
15 residences as to prohibit return thereto from day to day shall
16 receive an additional allowance for subsistence expenses for
17 each night they must spend away from their residences.
18 Such witnesses who attend in areas which the Administrator
19 of General Services has designated as high-cost areas under
20 section 5702 (c) (B), title 5, United States Code, shall re-
21 ceive an allowance equal to the maximum actual subsistence
22 allowance which the Administrator prescribes for that area
23 for official travel by employees of the Government. Such
24 witnesses who attend in other areas shall receive an allow-
25 ance equal to the maximum per diem allowance which the

1 Administrator of General Services prescribes pursuant to sec-
2 tion 5702 (a) (1) of title 5, United States Code, for official
3 travel by employees of the Government.

4 “(e) When a witness is detained for want of security
5 for his appearance, he shall be entitled for each day of deten-
6 tion when not in attendance at court, in addition to his sub-
7 sistence, to the daily attendance fee which subsection (b) of
8 this section provides.”.

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